

dition to the 674 post-masters in the state to come out as election-deceiving partisans against the state administration, or to maintain silence. The improper and corrupt practices imputed to post-masters by Mr. Van Buren, are, no doubt, entirely unfounded. The private characters of those gentlemen are perfectly respectable, and their official conduct had never, as I understand, been impeached before that period. "If any thing is done, let it be quickly done, and you may rely upon it, much good will result from it." That is, let it be done before the election, and many votes will be acquired.

To be continued.

From the National Intelligencer.
Annual meeting of the American Colonization Society.

On Thursday evening, the 18th instant, the fourth annual meeting of the American Colonization Society, was held at Dr. Laurie's church, in the City of Washington.

Walter Jones, Esq., informed the meeting that he had received a letter from the Hon. Bushrod Washington, President of the Society, stating his regret, that a severe indisposition prevented his attending the meeting, and his undiminished confidence in the ultimate success of the Society, and his ardent wishes for the final accomplishment of its great and benevolent objects.

The Hon. Henry Clay, one of the Vice Presidents, was called to the chair; on the taking of which, he made a handsome and appropriate address, principally urging persevering efforts in the prosecution of the original objects of the Society, and obviating the objections which have been made against its success, from the occurrences of the past year; and justly concluding, that whilst there was much to animate the members to perseverance, there was nothing to create despondency or alarm.

The annual report of the Board of Managers was then read by the Secretary.

The following resolutions were moved and adopted, accompanied by very appropriate remarks from the Hon. Daniel P. Cook, the Hon. C. F. Mercer, Walter Jones, Esq., and Francis S. Key, Esq.—setting forth the great advantages which the measures of the Society promised to this country and to Africa; particularly, its importance in aiding the friends of humanity in putting an end to the slave trade.

The highest encomium was made by several of the speakers, on the conduct of the officers and crews of our navy, employed on that service, in suppressing the slave trade, for that humanity and kindness which have so often distinguished our navy officers, in the attention, kindness, and liberality, which they had shown to our suffering settlers.

On motion of the Hon. Daniel P. Cook,

Resolved, That the thanks of this meeting be given to the Board of Managers, for the zeal and ability with which they have conducted the concerns of the Society; and that the report now read be received and adopted; and that it be published under the direction of the Board.

Resolved, That, while the Society laments the calamities which have befallen it during the past year, it does not despair of that success, the hope of which led to its organization, and which, from its moral and political importance, is so desirable.

On motion of the Hon. Charles F. Mercer,

Resolved, That, with mournful regret for the untimely death, the Society entertain a high respect for the memory of the Rev. Samuel Bacon and John P. Bankson, agents of the United States, and of Samuel A. Crozer, agent of the Society.

On motion of Walter Jones, Esq. Resolved, That the thanks of this meeting be given to Captain Edward Trenchard and Captain Alexander S. Wadsworth, and to the officers and crews of the U. States' armed ships Cyane and John Adams, for the aid, advice, and succour, which they have given to the agents and people sent to form a settlement on the west coast of Africa.

On motion of the Rev. William Hailey,

Resolved, That the thanks of the Society be presented to Captain Randall, of Cape Shilling, for his hospitality in receiving into his house the late Rev. Samuel Bacon, and his kind attention to him during his sickness and death.

On motion by Dr. Smith, Resolved, That the thanks of this meeting be given to the Auxiliary Societies, for the continuance of

of their support in aiding the funds of the Society.

On motion of the Hon. Charles F. Mercer,

Resolved, that the Officers of the Society appointed at the last annual meeting, be continued during the ensuing year.

The Society then adjourned.

MARYLAND GAZETTE.

Annapolis, Thursday, Feb. 1.

On Friday last the Legislature proceeded to the election, by joint ballot, of directors on the part of the state, in the several banks mentioned below, as also of registers of wills for Anne Arundel, Kent and Somerset counties: The following was the result:

Directors

For the Union Bank of Maryland—Wm. Pinkney, Jr. and Wm. Stansbury.

For the Commercial and Farmers' Bank—John Barney and Upton Bruce.

For the Farmers' Bank of Maryland—William Kilty and Nicholas Brewer, Sen.

For the Branch Bank at Easton—William Clarke and Lambert Rear don.

For the Hager's town Bank—John Buchanan and Daniel Schnebly.

For the Elkton Bank—Geo. Beaston and Registers of Wills.

For Anne Arundel—Thomas H. Hall.

For Kent—Cuthbert Hall.

For Somerset—James Polk.

Executive Appointments.

A List of the Justices of the Peace for Anne Arundel County.

Lancelot Warfield, John S. Belt, James Sanders, Nicholas Worthington, (of Thos.) Archibald Dorsey, Abner Linthicum, James H. Marriott, James McKubin, Joseph N. Stockett, Rezin Estep, Edward Warfield, Joseph G. Harrison, William G. Mellan, Doctor Gerrard H. Snowden, Henry Hammond, (of Broad Neck) William Hall, jun'r.

Henry Evans, Jacob Williams, Samuel Brown, jun'r. Theodore M. Williams, Thomas Bicknell, Thomas N. Turner, John Wood (of John) T. Simmons, Basil Burgess, Samuel Hopkins, Lott Linthicum, Thomas Burgess, Henry Cord, Rezin Hammond, (of Rezin) Ellis Thomas, sen'r. Maj. Charles Robinson, James P. Soper, Ezekiel Stewart, (of David) Benjamin Franklin.

William H. Hall, Francis Belmont, Lewis Sutton, Osborn W. Muliken, John Duvall, (of Marsh) William Norman, Richard G. Hutton, William Marriott, (of Thos.) Henry Duvall, John Jams, Moses Orme, James Williamson, Rezin D. Baldwin, William O'Hara, John Johns, Colonel Thomas Hood, Edward Gather, Doctor William Denny, Elsha Brown, (of Saml.) John J. Dorsey, Nicholas Dorsey (of Lloyd) George Howard (of Brice) Henry Whalin, Captain John Merrikin, Henry E. Mayer, Francis Hancock, Stephen Boone, Richard H. Batties, William Weems, Richard G. Watkins, Charles Baldwin, Doctor Stevens Gamrill, Gideon White, William P. Watkins, John Iglehart, Thomas Welch, Augustin Sappington, Robert Welch, Preacher, William Warfield, Howard Duvall, Richard H. Merrikin and Henry Williams.

Levy Court of Anne Arundel County. Richard Mackubin, Henry Woodward, Lancelot Warfield, Rezin Estep, Roderick Dorsey, John Merriken and Richard G. Stockett.

(Translated from the German.)

For the Maryland Gazette.

SINTRAM & HIS COMPANIONS.

(Continued.)

CHAPTER 6.

Whilst the baron was with astonishment regarding the strange appearance of his opponent, mighty recollections of his Northland ancestors arose before his mind, and great were his apprehensions when he espied a golden bear's claw forming the breast-clasp of Sintram's cloak. "Hast thou not," asked he, "a renowned uncle whom they call Arinbiorn the King of the Seas? And is not Sir Biorn thy father? For I concluded you clasp on thy breast to be an armorial sign of thy family."

All this Sintram affirmed, whilst his cheek glowed with submissive shame. The knight of Montfaucon raised him now gently from his humble posture, and thus seriously addressed him: I see we are relations; but never should I have thought that one of such noble and exalted parent-

age, would, without any cause of offence and even without previous notice or warning attack a peaceful man.

"If I am yet worthy to fall by hands as noble as yours, then, put me to death, replied Sintram: Let the light of the Sun no longer shine upon one sunk so low.

"Because thou art conquered?" asked Montfaucon.

The youth shook his head.

"Or because thou hast acted a part unbecoming a knight?"

The deep suffusion of the young man's cheek answered yes.

If this is the case, continued Montfaucon, "then thou shouldst not wish to die, but rather to atone for thy fault and to exalt thyself by many a valiant, glorious deed. Behold! Thou art blessed with the hero's courage and strength, and peradventure the commander's eagle-sight. Hadst thou fought in a just cause, as, a few minutes ago, thou didst in one that disgraced thee, I should even now dub thee a knight. Let us hope that I may shortly be permitted to confer upon thee that honour.

The joyous sound of many musical instruments interrupted here their conversation. Gabriela, beautiful as the morn, had just reached the shore. Followed by the train of her women she approached the baron, and having in a few words received from him an account of his antagonist, she thus addressed Sintram: Suffer not, noble youth, disappointment to affect you too deeply, for to this day there is but one hero upon earth who ever gained a victory over the Baron of Montfaucon.

Folk bent smiling o'er the lady's fair hand, and then requested Sintram to conduct them to his father's castle. Rolf, the old menial, was appointed to superintend the disbarking of their horses and travelling furniture, and great was the pleasure with which he undertook this task, for he fancied to see in the lady of Montfaucon a bright angel, come to allay the sufferings of his beloved Sintram, and disown the spell of every early malediction.

Sintram had sent out messengers in every direction, to seek his father, and to announce to him the arrival of his noble guests; there fore they found Sir Biorn at the castle, and every thing prepared for their festive reception. A feeling of awe thrilled through Gabriela's tender frame, as she entered the lofty, obscured galleries of the ancient building; and when she saw the old knight, with the terrific expression of his dark eyes, and at his side Sintram with his pale countenance, to which the dark curls hanging around it, in labyrinthic folds, gave a most ghastly appearance, she pressed more closely the arm of the great Baron, and whispered to him—"to what dismal scenes hast thou brought me! Oh that we were at home in my gay eve-blooming Gascony, or in Normandy thy own chivalrous country."

But the solemn and noble reception they met with, the deep deference paid to her and her husband, banished, in a very short time, every apprehension from her breast; nor was it possible that a feeling of this kind should long maintain its influence over her, when she found herself under the high and heroic protection of the Baron of Montfaucon.

Rolf and the servants, came now to the hall where the company were seated. Gabriela observed her lute in the hand of one of them, she took it, and examined attentively whether her beloved instrument had suffered from the effects of so long a voyage. Whilst she was thus, with tender care, tuning her lute, and her beautiful fingers played o'er the strings, a soft smile, like the refulgence of a summer sky, spread o'er Biorn's and Sintram's faces, and they both involuntarily observed—"Oh that she would play and sing! Surely her voice would smother our feelings! Well pleased, the flattered lady smiled consent, and sung:

When snow-storms turn to vernal showers,
The brook, from crystal fetters freed,
Hills warm from their sun-taught flowers,
That breathe the air fragrance o'er the mead;
When to the long forsaken bowers,
The warbling birds direct their speed,
And fountains in their joy grow
Sings the reign of spring and love;

Then woe the heart's a milder feeling
And night's gladness e'er
In balmy groves, the blithesome
To smiling eyes her beauty shows,
And every life, in joy re-creating,
Reminds with future melody,
And fountains in their joy grow
That gush from love and love!

Whilst listening to Gabriela's song, a mild dawn of melancholy pleasure showed itself in the countenance of the two Norwegians, and especially in Sintram's; his eyes beamed place, his cheeks were

o'erspread with a slight tinge of red, all his features were softened, and he appeared as if a trance of celestial happiness.

Gabriela's look dwelt long and astonished upon him; at last she observed: "Tell me, youthful Sir, what is it, that, in this plain song, has so deeply affected you, it is nothing but one of the many melodious effusions, which, the beautiful season of my home, with little variation and continued repetition of the same imagery, calls forth by thousands.

[To be continued.]

LAW INTELLIGENCE.

Court of Appeals of Maryland, June Term, 1817.

John Hall, vs. John Jacob et al. Lessee. Error to Anne Arundel County Court.

The opinion of the Court of Appeals delivered by

BUCHANAN, J. It appears from the case stated, on which the judgment of the court below was founded, that Richard Jacobs, son of Joseph, in the year 1788, died seized in fee of the land for which this suit was brought, having first made his last will and testament, whereby he devised it in fee to his three children, Joseph Jacobs, Dorsey Jacobs, & Rachel Jacobs, as tenants in common; that after the death of the testator, some time in the year 1800, Joseph and Rachel Jacobs, two of the devisees named in the will, died seized in fee of two thirds of said land, intestate and without issue, which two thirds thereby descended to Dorsey Jacobs, the other devisee in the will mentioned, who being seized in fee of the whole of the land, died some time in the year 1803, intestate and without issue, leaving no brother or sister of the whole blood, or descendant of such brother or sister, but leaving three brothers and two sisters of the half blood, to wit, John Hall, the defendant in the court below, Daniel Hall, Richard Jacobs Hall, Elizabeth Hall and Sarah Hall, now Sarah Cromwell, children of his mother by a second marriage, and also an uncle and two aunts, who are the lessors of the plaintiff, to wit, John Jacobs, the brother of the whole blood to his father Richard Jacobs, the testator, and Elizabeth Walker and Hannah Fowler, his father's sisters of the whole blood.

And the question for consideration is to whom did the land descend on the death of Dorsey Jacobs—to his brothers and sisters of the half blood—to his uncle and aunts of the whole blood on the part of his father equally, or to his uncle John Jacobs alone, to the exclusion of his two aunts Elizabeth Walker and Hannah Fowler? And this must depend upon the provisions of the act of assembly of this state, entitled, "An act to direct descents," 1786 ch. 45, Joseph, Rachel and Dorsey Jacobs, having all died since the passage of the act. It no where appears whether Joseph or Rachel died first, but that is not material, the result is the same. Dorsey Jacobs became seized in fee of the whole of the premises in the declaration mentioned, one third by purchase under the will of his father Richard Jacobs, and the other two thirds by descent from his brother and sister Joseph and Rachel under the operation of the act of descents. As to the one third of the land which Dorsey Jacobs acquired under the will of his father, it is contended that though it was vested in him by purchase in technical understanding, yet that it was not such an estate by purchase in the meaning of the act of descents as can descend to his brothers and sisters of the half blood. The act after providing a course, of descents for estates descended to an intestate on the part of the father, and also for estates descended on the part of the mother, has this provision: "And if the estate is or shall be vested in the intestate by purchase, and not derived from, or through, either of his ancestors, and there be no child or descendant of such intestate, then the estate shall descend to the brothers and sisters of such intestate of the whole blood, and their descendants, in equal degree equally, and if no brother or sister of the whole blood, or descendant from such brother or sister, then to the brothers and sisters of the half blood and their descendants, in equal degree equally &c." And it is said that the word "purchase," as here used, is not to be taken in the full extent in a technical or legal sense, but must be considered so far restrained by the subsequent words, as not to embrace estates ac-

quired by purchase. It is technical, and it is certainly not to be taken in vulgar understanding. It is not therefore embraced by the third branch of the act, which provides for estates vested in an intestate by purchase, and not derived from or through either of his ancestors, unless that clause can be understood to mean that every acquisition of lands, except by descent paternal or maternal, shall be held and considered to be an estate by purchase. The general intent of the legislature may often be gratified by construction where the expressions used are of doubtful meaning, but never when cannot be done without manifest violence to both the ordinary and legal import of the terms employed. Had they expressly declared that all estates, except those by descent in the part of the father or mother, should be deemed estates by purchase, though that would be giving to the word "purchase" a significance not before known to the law, it would govern all estates coming within that legislative description. But they have not said so in terms, and there is nothing in the whole clause from which such an intention can be inferred; and to give it such a construction contrary to the obvious meaning of the words whether technically or vulgarly understood merely upon the position that it was not the intention of the legislature to exclude from the operation of the act any description of estate, and because another provision of the act could be found to embrace it, would be arbitrary and dangerous, and at variance with every known rule of construction. If it was the intention of the legislature to provide in the third clause by the description "estates vested by purchase" for estates not descended ex parte paterna or ex parte materna, they were not made use of words to effluinate that intention, and a court of law cannot supply the omission. It is believed that they intended that clause to have such operation. It is not therefore an estate vested in the intestate by purchase, and did not descend to the brothers and sisters of Dorsey Jacobs of the half blood. And it is fully clear that it is not an estate which descended to the intestate on the part of the father or the part of the mother, and is within either of the two classes of cases first specified, and could therefore descend to the lessors of the plaintiff equally. But it was held in Dorsey Jacobs by immediate descent from his brother and sister Joseph and Rachel, a course of descent expressly directed by the act in the case of a purchase, or "descendant," no set of words could be selected better suited to the purpose of describing an estate by descent than the words "derived from or through an ancestor," the term "derived" being properly applicable to a case of descent, and the word "through" of necessity implying it, since a purchase cannot be through any one. The words "and not derived from or through either of his ancestors" can therefore only be taken to mean "not by descent," leaving the word "purchase" to be understood in its technical and most comprehensive sense, and the whole clause to be construed as if instead of the words "by purchase, and not derived from or through either of his ancestors," the language employed was by purchase, and not by descent. In the view of the subject the estate was vested in Dorsey Jacobs by purchase under the will of his father, and on his death descended to his brothers & sisters of the half blood. With respect to the two thirds of the land which were vested in Joseph and Rachel Jacobs by purchase under the will of their father Richard Jacobs, their appears to be more difficulty. Whatever the intention of the legislature may have been at the time of the passage of the act of descents, it is very clear that they have not in terms provided for more than three classes of cases; first, estates descended to the intestate on the part of the father; secondly, estates descended to the intestate on the part of the mother; and thirdly, estates vested in the intestate by purchase, and not derived from or through either of his ancestors. And there being no other estate provided for, if this estate does not fall within either of these classes, it is not embraced by the act, and cannot descend either to the brothers or sisters of Dorsey Jacobs of the half blood, or to the lessors of the plaintiff equally. To which the (if to either) of these three specified classes does it belong?

But such a construction cannot prevail. The act of assembly employs throughout the technical terms, descent, purchase, which must be understood in their legal sense. An estate by purchase is one acquired by sale or gift, or by any other method, except only that of descent. The law knows no distinction, as is here set up, between a gift or devise by a living person and a gift or devise by an ancestor, and there is nothing in the act of assembly to warrant us in supplying it. It would seem like back to the law to the particular case, rather than the case coming within the provisions of the law.

The legislature have used words, "And not derived from or through either of his ancestors," to explain their meaning of the word "purchase." In doing this they have borrowed the language of the common law, and it is difficult to suppose that they intended to change the legal import of the term by adopting the legal definition of it. Without using the term "descendant" or "descendant," no set of words could be selected better suited to the purpose of describing an estate by descent than the words "derived from or through an ancestor," the term "derived" being properly applicable to a case of descent, and the word "through" of necessity implying it, since a purchase cannot be through any one. The words "and not derived from or through either of his ancestors" can therefore only be taken to mean "not by descent," leaving the word "purchase" to be understood in its technical and most comprehensive sense, and the whole clause to be construed as if instead of the words "by purchase, and not derived from or through either of his ancestors," the language employed was by purchase, and not by descent. In the view of the subject the estate was vested in Dorsey Jacobs by purchase under the will of his father, and on his death descended to his brothers & sisters of the half blood. With respect to the two thirds of the land which were vested in Joseph and Rachel Jacobs by purchase under the will of their father Richard Jacobs, their appears to be more difficulty. Whatever the intention of the legislature may have been at the time of the passage of the act of descents, it is very clear that they have not in terms provided for more than three classes of cases; first, estates descended to the intestate on the part of the father; secondly, estates descended to the intestate on the part of the mother; and thirdly, estates vested in the intestate by purchase, and not derived from or through either of his ancestors. And there being no other estate provided for, if this estate does not fall within either of these classes, it is not embraced by the act, and cannot descend either to the brothers or sisters of Dorsey Jacobs of the half blood, or to the lessors of the plaintiff equally. To which the (if to either) of these three specified classes does it belong?

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SENATE

Monday, Jan. 22.

A bill to protect the navigation of the River was read the third time, and will not pass. Sent to the committee of delegates.

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